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7 UNITED STATES DISTRICT COURT
8 NORTHERN DISTRICT OF CALIFORNIA
9 OAKLAND DIVISION

10 UNITED STATES OF AMERICA,)	No. CR-12-70863 MAG
)	
11 Plaintiff,)	STIPULATED REQUEST TO CONTINUE
)	HEARING DATE TO DECEMBER 21,
12 v.)	2012 AND TO EXCLUDE TIME UNDER
)	THE SPEEDY TRIAL ACT
13)	
14 FAZIL AHMAD KAYUMY,)	Hearing Date: December 3, 2012
)	Time: 9:30 a.m.
15 Defendant.)	
)	
)	
)	

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17 The above-captioned matter is set on December 3, 2012 before this Court for a status
18 hearing. The parties request that this Court continue the hearing to December 21, 2012 at 9:30
19 a.m. and that the Court exclude time under the Speedy Trial Act between December 3, 2012 and
20 December 21, 2012.

21 The misdemeanor charges in this case are out of the Middle District of Georgia. The
22 defense has been discussing Rule 20 resolution of this matter with a prosecutor in that District.
23 The general terms of such an agreement have been discussed and the government is writing up a
24 plea offer. More time is needed by defense counsel for review of discovery and for discussing
25 possible resolution with the defendant once the offer is prepared. The parties agree the ends of
26 justice served by granting the continuance outweigh the best interests of the public and defendant

1 in a speedy trial. Therefore, the parties further stipulate and request that the Court exclude time
2 between December 3, 2012 and December 21, 2012 under the Speedy Trial Act for effective
3 preparation of counsel pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv).
4

5 DATED: November 29, 2012
6

7 /s/ Andrew Huang
8 ANDREW HUANG
9 Assistant United States Attorney
Counsel for United States

/s/ Ned Smock
NED SMOCK
Assistant Federal Public Defender
Counsel for Fazil Kayumy

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3 UNITED STATES DISTRICT COURT
4 NORTHERN DISTRICT OF CALIFORNIA
5 OAKLAND DIVISION

6 UNITED STATES OF AMERICA,) No. CR-12-70863 MAG
7)
8 Plaintiff,) ~~PROPOSED~~ ORDER GRANTING
9 v.) STIPULATED REQUEST TO CONTINUE
10) HEARING DATE TO DECEMBER 21,
11) 2012 AND TO EXCLUDE TIME UNDER
12) THE SPEEDY TRIAL ACT
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14 The parties jointly requested that the hearing in this matter be continued from December
15 3, 2012 to December 21, 2012, and that time be excluded under the Speedy Trial Act between
16 December 3, 2012 and December 21, 2012 to allow for the effective preparation of counsel,
17 taking into account the exercise of due diligence, and continuity of defense counsel. Defense
18 counsel needs additional time to review that discovery and discuss it with the defendant, and
19 perform necessary legal research and investigation. The parties agree the ends of justice served
20 by granting the continuance outweigh the best interests of the public and defendant in a speedy
21 trial. For these stated reasons, the Court finds that the ends of justice served by granting the
22 continuance outweigh the best interests of the public and defendant in a speedy trial. Good
23 cause appearing therefor, and pursuant to 18 U.S.C. §§ 3161(h)(7)(A) and (B)(iv),

24 **IT IS HEREBY ORDERED** that the status hearing in this matter is continued from
25 December 3, 2012 to December 21, 2012 at 9:30 a.m., and that time between December 3, 2012
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1 and December 21, 2012 is excluded under the Speedy Trial Act to allow for the effective
2 preparation of counsel, taking into account the exercise of due diligence.

3
4 DATED: 11/30/12


HON. KANDIS WESTMORE
United States Magistrate Judge